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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,386	03/07/2002	Koichi Emura	P22079	8736
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EXAMINER VAN HANDEL, MICHAEL P				
ART UNIT		PAPER NUMBER		
2424				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com

pto@gbpatent.com

Office Action Summary

Application No.

10/091,386

Applicant(s)

EMURA ET AL.

Examiner

MICHAEL VAN HANDEL

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-45 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 40-45 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 7/07/2008. Claims **40-45** are pending. Claims **40-45** are amended. Claims **1-39** are canceled. The examiner hereby withdraws the rejection of claims **42** and **45** under 35 USC 112, first paragraph in light of the amendment.

Response to Arguments

1. Applicant's arguments regarding claims **40** and **43**, filed 7/07/2008, have been fully considered, but they are not persuasive.

Regarding claims **40** and **43**, the applicant argues that Sezan et al. does not disclose dynamically generating highlights in response to a user request. The applicant specifically argues that, while Sezan et al. makes reference to a five-minute highlight, Sezan et al. provides no details as to how a five-minute highlight is generated. The examiner respectfully disagrees.

Sezan et al. discloses an audiovisual information management system. The system uses description schemes to allow a user to browse, filter, and search audiovisual content (p. 5, paragraph 53). The description schemes are defined using an MPEG-7 XML format (p. 8, paragraphs 68, 74). An example of an audiovisual interface for searching, browsing, and filtering through the audiovisual content is shown in Figures 4-12 (p. 8, paragraph 73 & Figs. 4-12). Sezan et al. discloses that a user can select a highlight view to display a highlight of the program with a specified highlight duration (p. 3, paragraph 42; p. 5, paragraphs 51, 52; & Fig. 10). Sezan et al. further discloses a proposed program description scheme (p. 8-12). The

highlight view of the description within the program description scheme specifies clip fields that identify clips that form highlights of a program and highlight length fields that define the different versions of highlights tailored into various time lengths (p. 9, paragraph 94 & p. 10, paragraph 95). This corresponds to the interface shown in Figure 10 (Fig. 10). Clips are grouped into each version of highlight which is specified by the descriptor <Highlight> with a length attribute (p. 10, paragraph 95). Thus, when a user requests a highlight of a given duration within the interface screen displayed in Figure 10, the highlight is displayed by extracting the highlight view portion of the program description scheme and displaying the clips listed under the version of corresponding duration. The examiner interprets this as “dynamically generates a preview,” as currently claimed.

Further regarding claims **40** and **43**, the applicant argues that Sezan et al. does not disclose a request receiver that receives, from a client, a preview distribution request including information that identifies the content viewpoint information included in the content, and desired time information, the identification information and the viewpoint information both selected from list information that is distributed in advance, the list information comprising the identification information and viewpoint information of the content as well as playback time information of the content and a media extractor/generator that extracts, from the metadata, a plurality of segments adapted to the viewpoint information included in the preview distribution request with respect to content corresponding to the identification information included in the preview distribution requests, and dynamically generates a preview that is a summary video of a time length corresponding to the desired time information included in the preview distribution

request, by combining views corresponding to the extracted plurality of segments. The examiner respectfully disagrees.

Sezan et al. discloses receiving a request for a highlight of a program and a length of the highlight (Fig. 10). The user identifies the program by selecting its corresponding frame from the left hand column (p. 8, paragraph 73 & Fig. 10). The examiner interprets this to be “identification information,” as currently claimed. The user also identifies the length of the desired highlight. In specifying the length, the user is specifying a version corresponding to the selected duration. The version identifies both the time of the highlight (time information), as well as the clips (viewpoint information) used in the highlight (p. 9, 10, paragraphs 94, 95). The examiner interprets this to be identification information and viewpoint information both selected from list information that is distributed in advance, the list information comprising identification information and viewpoint information of the content as well as playback time information of the content, as currently claimed. In playing the highlight, the system plays the clips grouped under the desired version of the highlight. The clips are designated by start and end frame-ids. The examiner interprets the video content of these clips to be a plurality of segments adapted to the viewpoint information included in the preview distribution request, as currently claimed. As such, the examiner maintains that Sezan et al. meets the limitation of “a media extractor/generator that extracts, from the metadata, a plurality of segments adapted to the viewpoint information included in the preview distribution request with respect to content corresponding to the identification information included in the preview distribution request, and dynamically generates a preview that is a summary video having time length corresponding to

the desired time information included in the preview distribution request, by combining views corresponding to the extracted plurality of segments,” as currently claimed.

Drawings

1. Figures 71-74 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **40, 41, 43, and 44** are rejected under 35 U.S.C. 102(c) as being anticipated by Sezan et al. (US 2005/0060641).

Referring to claims **40 and 43**, Sezan et al. discloses a media distribution apparatus/method (p. 20, paragraph 206 & Figs. 2, 28) comprising:

- a storage section that stores views that are original media content, and metadata for explaining the views, the metadata comprising a plurality of segments and describing viewpoint information and time information both assigned on a segment-by-segment basis (a program description scheme is utilized in an MPEG-7 format for describing media content, including a syntactic structure scheme 402, a semantic structure description scheme 404, a visualization description scheme 406, and a meta information scheme 408)(p. 3, paragraph 42; p. 9, 10, paragraphs 90, 91, 94-97; p. 16, paragraph 186; p. 17, paragraph 189; & Figs. 13-21);
- a request receiver that receives, from a client, a preview distribution request including identification information that identifies the content viewpoint information included in the content, and desired time information, the identification information and the viewpoint information both selected from list information that is distributed in advance, the list information comprising the identification information and the viewpoint information of the content (a search, filtering, and browsing (SFB) module is used to perform filtering, searching, and browsing of the programs on the basis of the information contained in the description schemes. For instance, a user may indicate a desire to watch a five minute highlight of a sports game), as well as playback time information of the content (the user can designate a length of time for a highlight)(p. 3-6, paragraphs 45, 53, 55; p. 8, paragraph 73; p. 13, paragraphs 137-141; p. 16, paragraph 184; p. 19, paragraphs 201, 202; & Figs. 7-12, 14) ;
- a media extractor/generator that extracts, from the metadata, a plurality of segments adapted to the viewpoint information included in the preview distribution request

- with respect to content corresponding to the identification information included in the preview distribution request, and dynamically generates a preview that is a summary video having a time length corresponding to the desired time information included in the preview distribution request, by combining views corresponding to the extracted plurality of segments (program analysis is performed based on user request. For example, if the user wishes to view a 5 minute video highlight, the analysis module may invoke a knowledge based system to determine the highlights that form the best 5 minute summary)(p. 5, 6, paragraphs 51, 53, 55; p. 7, paragraph 62; p. 9, 10, paragraph 94; p. 19, paragraphs 201, 202; & Figs. 7-14); and
- a media transmitter that transmits the generated preview to the client (user descriptions can be stored at a server and the content adaptation can be performed there. Preferred content would then be transmitted to the user)(p. 5, 6, paragraphs 53, 55; & p. 20, paragraph 206).

Referring to claims **41** and **44**, Sezan et al. discloses the media distribution apparatus/method according to claims 40 and 43, respectively, wherein a plurality of sets of the viewpoint and priority of the viewpoint, both assigned on a segment-by-segment basis, are assigned to the metadata (p. 5, paragraph 52; p. 10, paragraph 95; & Figs. 14, 16).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **42** and **45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al. (US 2005/0060641) in view of Russo et al. (US 5,619,247).

Referring to claims **42** and **45**, Sezan et al. discloses the media distribution apparatus/method according to claims 40 and 43, respectively. Sezan et al. does not disclose a charger that does not perform charging for the preview or performs charging according to a length of the preview. Russo et al. discloses transmitting media content to a user without billing them (col. 5, l. 2-4). The user may enjoy the content free of charge until a predetermined amount of time of the content has been viewed. At this time a charge will take place (col. 10, l. 64-67). It would have been obvious to modify Sezan et al. to include charging a user for content after a certain length of media content has been viewed, such as that taught by Russo et al. in order to compensate a content provider for content viewing, while allowing a user to cancel a transaction if content viewing is terminated early (Russo et al. col. 2, l. 58-63).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit
2424

MVH